

Proposed Comprehensive Zoning Amendments

TABLE OF CONTENTS

PROPOSED ZONING TEXT AMENDMENTS

| | |
|---|----|
| Section 100: General Provisions | 1 |
| Section 103: Definitions | 4 |
| Section 104: RC (Rural Conservation) District | 6 |
| Section 105: RR (Rural Residential) District | 7 |
| Section 107: R-ED (Residential: Environmental Development) District | 8 |
| Section 108: R-20 (Residential: Single) District | 9 |
| Section 109: R-12 (Residential: Single) District | 11 |
| Section 110: R-SC (Residential: Single Cluster) District | 12 |
| Section 111: R-SA-8 (Residential: Single Attached) District | 13 |
| Section 113.1: R-MH (Residential: Mobile Home) District..... | 14 |
| Section 113.2: R-SI (Residential: Senior Institutional) District | 15 |
| Section 115: POR (Planned Office Research) District | 16 |
| Section 117.2: CC (Convenience Center) District..... | 17 |
| Section 117.3: OT (Office Transition) District..... | 18 |
| Section 117.4: CCT (Community Center Transition) District..... | 19 |
| Section 122: M-1 (Manufacturing: Light) District | 20 |
| Section 123: M-2 (Manufacturing: Heavy) District | 21 |
| Section 127.1: PSC (Planned Senior Community) District..... | 22 |
| Section 127.2: CE (Corridor Employment) District | 24 |
| Section 127.4: TOD (Transit-Oriented Development) District | 26 |
| Section 127.5: CAC (Corridor Activity Center) District | 28 |
| Section 127.6: TNC (Traditional Neighborhood Center) Overlay District | 31 |
| Section 128: Supplementary Zoning District Regulations | 37 |
| Section 130: Hearing Authority..... | 41 |
| Section 131: Conditional Uses..... | 42 |
| Section 133: Off-Street Parking and Loading Facilities | 49 |

ZONING MAP AMENDMENTS

Summary Chart
Specific Map Amendments

AMENDMENTS TO THE HOWARD COUNTY ZONING REGULATIONS ARE SHOWN AS:

Additions are ALL CAPS
Deletions are in [[brackets]]

SECTION 100: General Provisions

B. Zoning Districts

For the purposes set forth above, Howard County is hereby divided into the following districts:

| | | |
|--------|---|--|
| RC | - | Rural Conservation |
| RR | - | Rural Residential |
| DEO | - | Density Exchange Option |
| R-ED | - | Residential: Environmental Development |
| R-20 | - | Residential: Single |
| R-12 | - | Residential: Single |
| R-SC | - | Residential: Single Cluster |
| R-SA-8 | - | Residential: Single Attached |
| R-A-15 | - | Residential: Apartments |
| R-MH | - | Residential: Mobile Home |
| RSI | - | Residential: Senior Institutional |
| HD | - | Historic District |
| R-VH | - | Residential: Village Housing |
| HO | - | Historic Office |
| HC | - | Historic Commercial |
| POR | - | Planned Office Research |
| PEC | - | Planned Employment Center |
| BR | - | Business Rural |
| CC | - | Convenience Center |
| OT | - | Office Transition |
| CCT | - | Community Center Transition |
| B-1 | - | Business, Local |
| B-2 | - | Business, General |
| SC | - | Shopping Center |
| I | - | Industrial |
| M-1 | - | Manufacturing, Light |
| M-2 | - | Manufacturing, Heavy |
| SW | - | Solid Waste Overlay |
| NT | - | New Town |
| PGCC | - | Planned Golf Course Community |
| MXD | - | Mixed Use |
| PSC | - | Planned Senior Community |
| CE | - | Corridor Employment |
| CLI | - | Continuing Light Industrial |
| TOD | - | Transit-Oriented Development |
| CAC | - | Corridor Activity Center |
| TNC | - | TRADITIONAL NEIGHBORHOOD CENTER |

E. Construction and Effective Date

1. These regulations upon enactment shall be the sole Zoning Regulations of Howard County. The provisions of these regulations are minimum requirements and shall be in addition to any other requirements of law. Where higher standards are required by other regulations, the higher standards shall apply unless the particular provision of these regulations expressly provides otherwise.
2. However, the requirements of the Zoning Regulations adopted September 18, 1992 for the western area of the County covered by the 1992 Comprehensive Zoning and October 18, 1993 for the eastern area covered by the 1993 Comprehensive Zoning with respect to the bulk regulations shall apply to any lot described in a deed or on an approved subdivision plat and recorded in the land records of Howard County no later than five days after the enactment of these regulations, and unable to fulfill minimum requirements of these regulations.
3. Any amendment or change to the Zoning Regulations, whether previously or hereafter adopted, shall be applicable to all pending and future proceedings and actions of any Board, Hearing Examiner or agency empowered to decide applications under these regulations, whether decided on original application or remand from Court, unless the amendment or change expressly provides that it only applies to future proceedings and actions.

[[1.]] A. Cases that require a Decision and Order are considered pending unless the Decision and Order is signed by the Board, the Hearing Examiner for a case that is not appealed, or the Department of Planning and Zoning prior to the date the legislation is adopted, except that:

[[a.]] (1) Any conditional use application filed on or before March 5, 2001 shall be subject to the regulations in effect prior to the effective date of Council Bill No. 11-2001; and

[[b.]] (2) Any age-restricted adult housing conditional use application filed on or before July 7, 2003, shall be subject to the regulations in effect prior to the effective date of Council Bill No. 49-2003.

(3) ANY AGE-RESTRICTED ADULT HOUSING CONDITIONAL USE APPLICATION FILED AFTER JULY 7, 2003 AND BEFORE JANUARY 3, 2005, SHALL BE SUBJECT TO THE REGULATIONS IN EFFECT PRIOR TO THE EFFECTIVE DATE OF COUNCIL BILL NO. 02-2005.

[[c.]] (~~3~~ 4) Any conditional use that would be prohibited by a map amendment is considered pending unless the site development plan is technically complete prior to the date the [[legislation]] ZONING MAP AMENDMENT is adopted.

[[2.]] B. Applications for subdivision or site development plan approval are considered pending unless the initial residential plan submittal, as defined in the Subdivision and Land Development Regulations, or the site development plans for all other types of development is technically complete prior to the date the legislation is adopted, EXCEPT THAT: [[.]]

(1) ~~[[However, development]]~~ DEVELOPMENT projects of over 300 units which have processed site development plans on at least 50% of the overall site shall not be considered pending.

(2) Sketch plans, which have received a technically complete letter from the Department of Planning and Zoning prior to November 1, 2001, shall be subject to the regulations in effect prior to the effective date of Council Bill 50-2001.

~~[[(2)]]~~ (3) ANY PARCEL IN THE CAC DISTRICT WHICH HAD A SUBDIVISION PLAT RECORDED BEFORE NOVEMBER 30, 2004 MAY EITHER BE DEVELOPED UNDER THE CAC DISTRICT OR, AS A MATTER OF RIGHT, UNDER THE ZONING DISTRICT THAT APPLIED TO THAT PARCEL ON NOVEMBER 30, 2004.

~~[[3.]]~~ C. Applications for permits issued in accordance with Section 128 of these regulations are considered pending unless written approval is issued by the Department of Planning and Zoning prior to the date the legislation is adopted.

SECTION 103: Definitions

- A. Except as provided for in Section 101 herein, terms used in these regulations shall have the definition provided in any standard dictionary, unless specifically defined below or in any other provision of these regulations:
- 6.1. AGRIBUSINESS – COMMERCIAL AND INDUSTRIAL USES THAT ARE ADJUNCT TO THE AGRICULTURAL ECONOMY AND MAY BE PERMITTED AS A CONDITIONAL USE IN THE RC OR RR DISTRICT.
40. Dwelling, Accessory Apartment: A second dwelling unit located within a single-family detached dwelling, or within a mobile home located in a Traditional Residential Neighborhood within an R-MH District, which has the following characteristics:
- a. The accessory apartment is located within an owner occupied dwelling. The owner may occupy either the principal dwelling or the accessory apartment.
 - b. [[The accessory apartment occupies no more than 800 square feet of floor area, or one-third of the net floor area of the building, whichever is less]]. THE FLOOR AREA FOR ACCESSORY APARTMENTS MUST COMPLY WITH SECTION 128.A.13.
 - [[C. The floor area of the accessory apartment includes one-third of the area of shared storage or utility areas.]]
 - C. If the accessory apartment is within an addition to the existing dwelling, it must share a common wall. The apartment cannot be separated from the principal dwelling by an attached garage or a breezeway.
- 44.1. DWELLING, MULTI-PLEX: A DWELLING UNIT IN A BUILDING THAT RESEMBLES A LARGE, SINGLE-FAMILY DETACHED DWELLING, BUT IS DIVIDED INTERNALLY INTO THREE OR FOUR UNITS. THE DWELLING UNITS ARE SEPARATED BY PARTY WALLS, BUT ARE NOT ARRANGED IN A LINE AND THE PARTY WALLS ARE NOT PARALLEL TO EACH OTHER. THE DWELLINGS MAY HAVE A SHARED OR SEPARATE EXTERIOR ENTRANCE.
132. Residential Zoning District: This term includes:
- a. The RC, RR, R-ED, R-20, R-12, R-SC, R-SA-8, R-A-15, R-MH, R-SI, R-VH, and PSC districts;
 - b. Residential land use areas of the NT and PGCC districts as indicated by approved comprehensive sketch plans or, for areas where there is no approved comprehensive sketch plan, by the preliminary development plan;
 - c. Residential land use areas of a MXD district as indicated by approved preliminary development plans or, if there is no approved preliminary development plan, MXD-zoned land for which the underlying zoning district is one of the districts listed above in this definition.
 - d. Residential land use areas of a TOD, CAC, TNC or CCT district.
- 138.1. ROUTE 40 CORRIDOR DEVELOPMENT PROJECT: ONE OR MORE PARCELS DEVELOPED UNDER AN INTEGRATED DESIGN THAT MEETS THE STANDARDS OF THE ROUTE 40 MANUAL. COMPLIANCE WITH THE MANUAL MUST BE

SHOWN ON THE SUBDIVISION PLAN (WHERE APPLICABLE) AND ON EACH SITE DEVELOPMENT PLAN FOR PARCELS WITHIN THE PROJECT.

SECTION 104: RC (Rural Conservation) District

C. Accessory Uses

The following are permitted accessory uses in the RC District. More than one accessory use shall be permitted on a lot, provided that the combination of accessory uses remains secondary, incidental and subordinate to the principal use.

1. Any use normally and customarily incidental to any use permitted as a matter of right in this district. DETACHED ACCESSORY GARAGES ARE SUBJECT TO THE REQUIREMENTS OF SECTION 128.A.12.
2. Accessory houses, limited to the following:
 - a. Farm tenant houses and similar uses customarily accessory to agricultural uses, provided that these uses shall not be permitted on parcels of less than 50 acres, and one unit shall be permitted for each 25 acres of that parcel; or
 - b. Caretakers' dwellings and similar uses customarily accessory to residential estate uses, provided that these uses shall not be permitted on parcels of less than 50 acres and one unit shall be permitted for each 50 acres of that parcel.
3. Accessory apartments, SUBJECT TO THE REQUIREMENTS OF SECTION 128.A.13.

SECTION 105: RR (Rural Residential) District

C. Accessory Uses

The following are permitted accessory uses in the RR District. More than one accessory use shall be permitted on a lot, provided that the combination of accessory uses remains secondary, incidental and subordinate to the principle use.

1. Any use normally and customarily incidental to any use permitted as a matter of right in this district. DETACHED ACCESSORY GARAGES ARE SUBJECT TO THE REQUIREMENTS OF SECTION 128.A.12.
2. Accessory houses, limited to the following:
 - a. Farm tenant houses and similar uses customarily accessory to agricultural uses, provided that these uses shall not be permitted on parcels of less than 50 acres, and one unit shall be permitted for each 25 acres of that parcel; or
 - b. Caretakers' dwellings and similar uses customarily accessory to residential estate uses, provided that these uses shall not be permitted on parcels of less than 50 acres and one unit shall be permitted for each 50 acres of that parcel.
3. Accessory apartments, SUBJECT TO THE REQUIREMENTS OF SECTION 128.A.13.

F. Cluster Subdivision Requirements

3. Permitted Uses on Preservation Parcels
 - c. Conditional uses which do not require construction of new principal structures or use of an outdoor area that is more than 2% of the preservation parcel, up to a maximum of one acre, may be allowed on preservation parcels, provided the land area used is not suitable for agriculture. In addition, the following conditional uses which may require additional structures or land area may be permitted on preservation parcels:
 - (1) AGRIBUSINESS
 - (2) [[(1)]] Country clubs and golf courses
 - (3) [[(2)]] Farm tenant houses on lots of at least 25 but less than 50 acres
 - (4) [[(3)]] Riding academies and stables
[[(4) Wineries]]
 - (5) Charitable or philanthropic institutions dedicated to environmental conservation

G. Conditional Uses

The following are conditional uses in the RR district, subject to the detailed requirements for conditional uses given in Section 131. If there is a conflict between this Section and Section 131, Section 131 shall prevail.

1. Age-Restricted Adult Housing
2. AGRIBUSINESS
3. [[2]] Aircraft Landing and Storage Areas (Private Ownership)

Renumber the remainder of the list.

SECTION 107:

R-ED (Residential: Environmental Development) District

C. Accessory Uses

The following are permitted accessory uses in the R-ED District. More than one accessory use shall be permitted on a lot, provided that the combination of accessory uses remains secondary, incidental and subordinate to the principle use.

1. Any use normally and customarily incidental to any use permitted as a matter of right in this district. DETACHED ACCESSORY GARAGES ARE SUBJECT TO THE REQUIREMENTS OF SECTION 128.A.12.
2. Accessory apartments, SUBJECT TO THE REQUIREMENTS OF SECTION 128.A.13, provided that:
 - a. The area of the lot is at least 12, 000 square feet;
 - b. Except for an exterior entrance and necessary parking area, there shall be no external evidence of the accessory apartment; and
 - c. The accessory apartment shall have no more than two bedrooms.

H. Conditional Uses

The following are conditional uses in the R-ED District, subject to the detailed requirements for conditional uses given in Section 131. If there is a conflict between this section and Section 131, Section 131 shall prevail.

12. Home Occupations
13. MUSEUMS AND LIBRARIES
14. [[13.]] Nonprofit Clubs, Lodges, Community Halls and Camps
15. [[14.]] Nursing homes and residential care facilities.
16. [[15.]] Religious Activities, Structures Used Primarily for
17. [[16.]] Retreat Center
18. [[17.]] Schools, Colleges, Universities – Private (Academic)
19. [[18.]] Two-Family Dwellings, [[and]] Accessory Apartments AND AGE-RESTRICTED MULTI-PLEX DWELLINGS
20. [[19.]] Utility Uses, Public

SECTION 108: R-20 (Residential: Single) District

C. Accessory Uses

The following are permitted accessory uses in the R-20 District. More than one accessory use shall be permitted on a lot, provided that the combination of accessory uses remains secondary, incidental and subordinate to the principal use.

1. Any use normally and customarily incidental to any use permitted as a matter of right in this district. DETACHED ACCESSORY GARAGES ARE SUBJECT TO THE REQUIREMENTS OF SECTION 128.A.12.
2. Accessory apartments, SUBJECT TO THE REQUIREMENTS OF SECTION 128.A.13, provided that:
 - a. The area of the lot is at least 12,000 square feet;
 - b. Except for an exterior entrance and necessary parking area, there shall be no external evidence of the accessory apartment; and
 - c. The accessory apartment shall have no more than two bedrooms.

D. Bulk Regulations

(Also see Section 128.A, Supplementary Bulk Regulations.)

4. Minimum setback requirements
 - c. From lot lines
 - (1) Structures
 - (a) Front **20** [[40]] feet
except [[units facing each other across a use-in-common driveway]] PIPESTEM LOTS FACING THE PROJECT
BOUNDARY..... **30** [[20]] feet
 - (b) Side10 feet
 - (c) Rear
 - (i) Principal structure30 feet
 - (ii) Accessory structure10 feet
 - (2) Uses (other than structures) in all development projects except single-family detached.....20 feet

F. Conditional Uses

The following are conditional uses in the R-20 District, subject to the detailed requirements for conditional uses given in Section 131. If there is a conflict between this section and Section 131, Section 131 shall prevail.

15. Kennels and Pet Grooming Establishments
16. MUSEUMS AND LIBRARIES

17. [[16]] Nonprofit Clubs, Lodges, Community Halls and Camps
18. [[17.]] Nursing homes and residential care facilities.
19. [[18.]] Religious Activities, Structures Used Primarily for
20. [[19.]] Retreat Center
21. [[20.]] School Buses (Parking and Storage)
22. [[21.]] Schools, Colleges, Universities – Private (Academic)
23. [[22.]] Two-Family Dwellings, [[and]] Accessory Apartments AND AGE-RESTRICTED
MULTI-PLEX DWELLINGS
24. [[23.]] Utility Uses, Public

SECTION 109: R-12 (Residential: Single) District

C. Accessory Uses

The following are permitted accessory uses in the R-12 District. More than one accessory use shall be permitted on a lot, provided that the combination of accessory uses remains secondary, incidental and subordinate to the principal use.

1. Any use normally and customarily incidental to any use permitted as a matter of right in this district. DETACHED ACCESSORY GARAGES ARE SUBJECT TO THE REQUIREMENTS OF SECTION 128.A.12.
2. Accessory apartments, SUBJECT TO THE REQUIREMENTS OF SECTION 128.A.13, provided that:
 - a. The area of the lot is at least 12,000 square feet
 - b. Except for an exterior entrance and necessary parking area, there shall be no external evidence of the accessory apartment; and
 - c. The accessory apartment shall have no more than two bedrooms.

D. Bulk Regulations

(Also see Section 128.A, Supplementary Bulk Regulations.)

4. Minimum setback requirements
 - c. From lot lines
 - (1) Principal structures
 - (a) Front **20** [[30]] feet
except [[units facing each other across a use-in-common driveway]] PIPESTEM LOTS FACING THE PROJECT BOUNDARY **30** [[20]] feet
 - (b) Side 7.5 feet
Except:
 - (i) Zero lot line dwellings 0 feet
At least 15 feet must be maintained between structures;
 - (ii) Single-family semi-detached dwelling 15 feet one side
 - (c) Rear 30 feet
 - (2) Accessory structures
 - (a) Front 10 feet
 - (b) Side 7.5 feet
 - (c) Rear 10 feet
 - (3) Uses (other than structures) in all development projects except single-family detached 20 feet

G. Conditional Uses

The following are conditional uses in the R-12 District, subject to the detailed requirements for conditional uses given in Section 131. If there is a conflict between this section and Section 131, Section 131 shall prevail.

17. Two-Family Dwellings, [[and]] Accessory Apartments AND AGE-RESTRICTED MULTI-
PLEX DWELLINGS

SECTION 110: R-SC (Residential: Single Cluster) District

C. Accessory Uses

The following are permitted accessory uses in the R-SC District. More than one accessory use shall be permitted on a lot, provided that the combination of accessory uses remains secondary, incidental and subordinate to the principal use.

1. Any use normally and customarily incidental to any use permitted as a matter of right in this District. DETACHED ACCESSORY GARAGES ARE SUBJECT TO THE REQUIREMENTS OF SECTION 128.A.12.
2. Accessory apartments, SUBJECT TO THE REQUIREMENTS OF SECTION 128.A.13, provided that:
 - a. The area of the lot is at least 12,000 square feet;
 - b. Except for an exterior entrance and necessary parking area, there shall be no external evidence of the accessory apartment; and
 - c. The accessory apartment shall have no more than two bedrooms.

SECTION 111: R-SA-8 (Residential: Single Attached) District

C. Accessory Uses

The following are permitted accessory uses in the R-SA-8 District. More than one accessory use shall be permitted on a lot, provided that the combination of accessory uses remains secondary, incidental and subordinate to the principal use.

1. Any use normally and customarily incidental to any use permitted as a matter of right in this District. DETACHED ACCESSORY GARAGES ARE SUBJECT TO THE REQUIREMENTS OF SECTION 128.A.12.
2. Accessory apartments, SUBJECT TO THE REQUIREMENTS OF SECTION 128.A.13, provided that:
 - a. The area of the lot is at least 12,000 square feet;
 - b. Except for an exterior entrance and necessary parking area, there shall be no external evidence of the accessory apartment; and
 - c. The accessory apartment shall have no more than two bedrooms.

SECTION 113.1: R- MH (Residential: Mobile Home) District

F. Additional Requirements for Single -Family Attached and Apartment Development

1. Moderate Income Housing Units

[[Within]] FOR any development that includes single-family attached [[and/]] or apartment dwelling units, [[at least 15 percent of all single-family attached units and at least 20 percent of all apartment units shall be moderate income housing units]] MODERATE INCOME HOUSING UNITS MUST BE PROVIDED IN AN AMOUNT EQUAL TO 15 PERCENT OF THE NUMBER OF SINGLE-FAMILY ATTACHED UNITS PLUS 20 PERCENT OF THE NUMBER OF APARTMENT UNITS WITHIN THE DEVELOPMENT.

2. If single-family attached dwellings or apartment units are built on land within a mobile home park or subdivision, the mobile home development must meet the minimum 10-acre area requirement of Section 133.D without including the multi-family development area.

SECTION 113.2. R-SI (Residential: Senior-Institutional) District

D. Bulk Regulations

(Also see Section 128.A, Supplementary Bulk Requirements)

2. Minimum Structure or Use Setbacks:
 - a. All structures
 - (1) From RESIDENTIAL LOTS IN RC, RR, R-ED, R-20, R-12 and R-SC districts 75 feet
 - (2) FROM OPEN SPACE AND OTHER USES IN RC, RR, R-ED, R-20, R-12 AND R-SC DISTRICTS..... 30 FEET
 - [[(2)]](3) From any other zoning district..... 30 feet
 - [[(3)]](4) From public street right-of-way 30 feet
 - b. Uses (other than structures) in all development projects FROM PROJECT BOUNDARIES 20 feet
 - [[c. Parking for religious activities 20 feet]]
 - [[d.]] C. If A residential district is separated from the R-SI district by a public street right-of-way, only the setback from the public street right-of-way shall apply.
3. Minimum distances between buildings for attached and apartment units within an age-restricted adult housing development:
 - a. Face to face 30 feet
 - b. Face to side/rear to side 20 feet
 - c. Side to side 15 feet
 - d. Rear to rear 40[[50]] feet
 - e. Rear to face BETWEEN SINGLE FAMILY UNITS 75 feet
 - F. REAR TO FACE BETWEEN APARTMENT BUILDINGS 40 FEET
4. MAXIMUM Density..... 25 units per net acre

E. Additional Requirements for Age-Restricted Adult Housing

4. Community Center

At least one on-site community building or indoor community space within a principal structure shall be provided that contains a minimum of:

 - a. 20 square feet of floor area per dwelling unit, [[for developments of less than 100 dwelling units]] FOR THE FIRST 99 DWELLING UNITS with a minimum area of 500 square feet, and
10 square feet of floor area per dwelling unit FOR EACH ADDITIONAL DWELLING UNIT above 99.

SECTION 115: POR (Planned Office Research) District

- B. Uses Permitted as a matter of right
34. Restaurants, standard, and beverage establishments, including those serving beer, wine and liquor for consumption on premises only [[provided such uses shall only be located within POR Districts of at least four acres]].
- D. Bulk Regulations
(Also see Section 128.A, Supplementary Bulk Regulations)
3. Minimum structure or use setback:
- a. From residential districts **OR USES**75 feet
except age-restricted housing from R-SA-8 or R-A-15.....50 feet
EXCEPT RESTAURANTS100 FEET
 - b. From any other zoning district.....**[[30]] 0** feet
 - c. From public street right-of-way.....30 feet
- d. If a residential district is separated from the POR district by a public street right-of-way, only the setback from the public street right-of-way shall apply.
- E. **Additional Requirements for Age-Restricted Adult Housing**
4. Community Center
- At least one on-site community building or indoor community space within a principal structure shall be provided that contains a minimum of:
- a. 20 square feet of floor area per dwelling unit, [[for developments of less than 100 dwelling units]] **FOR THE FIRST 99 DWELLING UNITS** with a minimum area of 500 square feet, and
 - b. 10 square feet of floor area per dwelling unit **FOR EACH ADDITIONAL DWELLING UNIT** above 99.

SECTION 117.2: CC (Convenience Center) District

A. Purpose

The Convenience Center District is established to permit the development of small-scale retail stores and services which are conveniently located within residential areas and developed concurrently with residential development. The Convenience Center District is intended to permit small, low-impact uses which are designed as an integral part of a new residential development. The CC District is also intended to provide opportunity for business uses to be incorporated into a “Traditional Residential Neighborhood” using the elements of traditional neighborhood design described in the Howard County General Plan.

The Convenience Center District is intended to be a “floating zone.” In order to enable the Zoning Board to evaluate the accomplishment of the purposes set forth herein, a Preliminary Development Plan is required for each Convenience Center District.

B. Criteria

The Convenience Center District may be established in a particular location if all of the following criteria are satisfied:

1. The site is part of a residential development with at least 100 dwelling units [[left to develop]] and a gross area of 25 or more acres;
2. Unless located within a Traditional Residential Neighborhood, the site shall have direct access to a minor collector highway or be located at the intersection of a local road and a highway classified as major collector or higher;
3. Public water and public sewer are available;
4. A Convenience Center District at the proposed location is compatible with the existing and proposed residential development of adjacent properties;
5. The gross area of the district does not exceed two acres.

SECTION 117.3: OT (Office Transition) District

C. Uses Permitted As A Matter Of Right

1. ANIMAL HOSPITALS, COMPLETELY ENCLOSED.
- [[1.]]2. Commercial communication antennas attached to structures, subject to the requirements of Section 128.E.4.
- [[2.]]3. One dwelling unit per business establishment within the same structure, provided the dwelling unit does not exceed 50 percent of the floor area of the structure.
- [[3.]]4. Government structures, facilities and uses, including public schools and colleges.
- [[4.]]5. Offices, professional and business.
- [[5.]]6. Underground pipelines; electric transmission and distribution lines; telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other similar public utility uses not requiring a conditional use.

E. Bulk Regulations

3. Minimum setback requirements – structures and uses
 - a. For sites within the planned service area for public water and sewer:
 - (1) From [[public]] arterial or major collector PUBLIC STREET rights-of-way20 feet
 - (2) From other public STREET rights-of-way.....40 feet
 - (3) From residential zoning districts.....30 feet
 - b. For sites outside the planned service area for public water and sewer:
 - (1) From arterial or major collector PUBLIC STREET rights-of-way.....30 feet
 - (2) From OTHER public street rights-of-way and residentially-zoned property50 feet

SECTION 117.4: CCT (Community Center Transition) District

E. Additional Requirements for Age-Restricted Adult Housing

4. Community Center

At least one on-site community building or indoor community space within a principal structure shall be provided that contains a minimum of:

- a. 20 square feet of floor area per dwelling unit, [[for developments of less than 100 dwelling units]] FOR THE FIRST 99 DWELLING UNITS with a minimum area of 500 square feet, and
- b. 10 square feet of floor area per dwelling unit FOR EACH ADDITIONAL DWELLING UNIT above 99.

SECTION 122: M-1 (Manufacturing: Light) District

D. Bulk Regulations

(Also see Section 128.A, Supplementary Bulk Regulations.)

- 2. The following minimum structure and use setback requirements shall be observed:
 - a. From any external public street right-of-way50 feet
Except for parking uses and fences adjoining parking uses30 feet
 - b. From any internal public street right-of-way50 feet
Except for parking uses and fences adjoining parking uses10 feet
 - c. From any residential district 100 feet
EXCEPT RESIDENTIAL USES IN A CAC OR TOD DISTRICT75 FEET
However, if the residential district is separated from the M-1 District by a public street right-of-way, only the setbacks from a public street right-of-way shall apply.

SECTION 123: M-2 (Manufacturing: Heavy) District

D. Bulk Regulations

(Also see Section 128.A, Supplementary Bulk Regulations.)

2. The following minimum structure and use setback requirements shall be observed:

- a. From any external public street right-of-way50 feet
Except for parking uses and fences adjoining parking uses30 feet
- b. From any internal public street right-of-way.....50 feet
Except for parking uses and fences adjoining parking uses10 feet
- c. From any residential district..... 150 feet
EXCEPT RESIDENTIAL USES IN A CAC OR TOD DISTRICT 100 FEET
However, if the residential district is separated from the M-1 District by a public street right-of-way, only the setbacks from a public street right-of-way shall apply.

SECTION 127.1: PSC (Planned Senior Community) District

B. Requirements for Planned Senior Community

8. At least one on-site community building or indoor community space within a principal structure shall be provided that contains a minimum of:
 - a. 20 square feet of floor area per dwelling unit, [[for developments of less than 100 dwelling units]] FOR THE FIRST 99 DWELLING UNITS WITH A MINIMUM AREA OF 500 SQUARE FEET, and
 - b. 10 square feet of floor area per dwelling unit FOR EACH ADDITIONAL DWELLING UNIT above 99.

E. Bulk Regulations

1. Maximum density[[.....8 dwelling units per net acre]]
 - A. DEVELOPMENTS IN WHICH AT LEAST 10 PERCENT OF THE DWELLING UNITS ARE MODERATE INCOME HOUSING UNITS 8 DWELLING UNITS PER NET ACRE
 - B. DEVELOPMENTS IN WHICH AT LEAST 15 PERCENT OF THE DWELLING UNITS ARE MODERATE INCOME HOUSING UNITS10 DWELLING UNITS PER NET ACRE
 - C. DEVELOPMENTS IN WHICH AT LEAST 20 PERCENT OF THE DWELLING UNITS ARE MODERATE INCOME HOUSING UNITS12 DWELLING UNITS PER NET ACRE
 - D. Assisted living and nursing home beds shall be included in density calculations. One bed equals 0.25 dwelling units.
2. Minimum structure and use setbacks [[from perimeter of the PSC District]]:
 - a. From arterial or collector public street right-of-way50 feet
 - b. From other public street right-of-way..... 40 [[30]] feet
 - c. From RESIDENTIAL LOTS IN RC, RR, R-ED, R-20, R-12 or R-SC Districts50 feet
Except structures containing apartments, assisted living facilities or nursing facilities.....75 feet
 - D. FROM OPEN SPACE AND OTHER USES IN RC, RR, R-ED, R-20, R-12 OR R-SC DISTRICTS.....30 FEET
 - [[d.]] E.From zoning districts other than RC, RR, R-ED, R-20, R-12 or R-SC.....30 feet
 - [[e.]] F. If a PSC District is separated from another zoning district by a public street, only the setbacks from a public street right-of-way shall apply.
3. Maximum height shall not exceed:
 - a. Apartments60 feet
 - b. Other principal structures.....34 feet
 - c. Accessory structures.....15 feet
4. Requirements regarding lot sizes, setbacks, distances between structures not located on individual lots, building heights and all other bulk regulations for the PSC District not established in this section shall be established by the Planning Board through approval of a

Comprehensive Sketch Plan and Development Criteria, in addition to any requirements imposed by the Zoning Board in the Preliminary Development Plan and Preliminary Development Criteria. THE DEVELOPMENT CRITERIA MAY ALSO ESTABLISH SETBACK AND HEIGHT REQUIREMENTS THAT ARE MORE RESTRICTIVE THAN THE REQUIREMENTS GIVEN IN THIS SECTION.

G. Standards for Approval of a Petition

4. Proposed buildings AND SITE DESIGN are compatible with residential development in the vicinity [[based on the scale and character of new buildings or through setbacks and landscaping]]. TO ACHIEVE THIS:
 - A. GRADING AND LANDSCAPING SHALL RETAIN AND ENHANCE ELEMENTS THAT ALLOW THE SITE TO BLEND WITH THE EXISTING NEIGHBORHOOD.
 - B. THE PROJECT SHALL BE DESIGNED TO BE COMPATIBLE WITH RESIDENTIAL DEVELOPMENT IN THE VICINITY BY PROVIDING:
 - (1) AN ARCHITECTURAL TRANSITION, WITH BUILDINGS NEAR THE PERIMETER THAT ARE SIMILAR IN SCALE, ARCHITECTURAL STYLE, MATERIALS AND DETAILS TO NEIGHBORING DWELLINGS AS DEMONSTRATED BY ARCHITECTURAL ELEVATIONS OR RENDERINGS SUBMITTED WITH THE PETITION; OR,
 - (2) ADDITIONAL BUFFERING ALONG THE PERIMETER OF THE SITE, THROUGH RETENTION OF EXISTING FOREST OR LANDSCAPING, ENHANCED LANDSCAPING, BERMS OR INCREASED SETBACKS.
9. [[The development and proposed dwellings are designed for older adults and incorporate universal design features. Exterior site improvements and individual dwellings will be accessible to and adaptable for residents with mobility and functional limitations.]] THE DEVELOPMENT INCORPORATES UNIVERSAL DESIGN FEATURES FROM THE DEPARTMENT OF PLANNING AND ZONING GUIDELINES THAT IDENTIFY THE REQUIRED, RECOMMENDED AND OPTIONAL FEATURES. THE PETITION SHALL INCLUDE DESCRIPTIONS OF THE DESIGN FEATURES OF PROPOSED DWELLINGS TO DEMONSTRATE THEIR APPROPRIATENESS FOR THE AGE-RESTRICTED POPULATION. THE MATERIAL SUBMITTED SHALL INDICATE HOW UNIVERSAL DESIGN FEATURES WILL BE USED TO MAKE INDIVIDUAL DWELLINGS ADAPTABLE TO PERSONS WITH MOBILITY OR FUNCTIONAL LIMITATIONS AND HOW THE DESIGN WILL PROVIDE ACCESSIBLE ROUTES BETWEEN PARKING AREAS, SIDEWALKS, DWELLING UNITS AND COMMON AREAS.

SECTION 127.2: CE (Corridor Employment) District

B. Uses Permitted as a Matter of Right

1. Ambulatory health care facilities.
2. Biomedical laboratories.
3. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of charitable, social, civic or educational organizations, subject to the requirements of Section 128.D.3.
4. Catering establishments and banquet facilities.
5. CHILD DAY CARE CENTERS AND NURSERY SCHOOLS.

RENUMBER THE REMAINING USES IN THE LIST.

C. Commercial Uses Permitted With Limitations

1. Commercial uses within office buildings, HOTELS OR [[and/or]] parking structures
 - d. The following uses are permitted in multi-story office, HOTEL or parking structures:
 - (1) Athletic centers, health clubs, tennis clubs and similar uses.
 - (2) Banks, savings and loan associations, investment companies, credit bureaus, brokers and similar financial institutions with a maximum of one drive through lane having no more than four stacking spaces.
 - (3) Blueprinting, printing, duplicating or engraving services.
 - [[(4) Child day care centers and nursery schools.]]
 - (4) [[(5)]] Laundry and dry cleaning establishments without delivery services.
 - (5) [[(6)]] Personal service establishments such as barber shops, beauty shops, opticians, photographers, tailors.
 - (6) [[(7)]] Pizza delivery services and other services for off-site delivery of prepared food.
 - (7) [[(8)]] Restaurants, carryout, including incidental delivery services.
 - (8) [[(9)]] Restaurant, fast food without a drive-through.
 - (9) [[(10)]] Restaurants, standard, and beverage establishments, including those serving beer, wine and liquor for consumption on premises only.
 - (10) [[(11)]] Retail establishments, limited to convenience stores, food stores, drug and cosmetic stores, liquor stores and specialty stores.
 - (11) [[(12)]] Service agencies such as real estate agencies, insurance agencies, security services, messenger services, computer services, travel agencies, mailing services.

E. Bulk Regulations

4. Minimum setback requirements for sites not complying with the use provisions of the CE District and the Route 1 Manual

The following minimum setback requirements apply to sites developed prior to the creation of the CE District that do not comply or only partially comply with the Howard County Landscape Manual and the Route 1 Manual:

- a. From external public street right-of-way
 - (1) Structures and uses50 feet
 - (2) Except for [[fences and]] parking uses AND FENCES ADJOINING PARKING USES30 feet
- b. From internal public street right-of-way
 - (1) Structures and uses50 feet
 - (2) Except for [[fences and]] parking uses AND FENCES ADJOINING PARKING USES10 feet
- c. From any residential district: all structures and uses..... 100 feet
- d. If a residential district is separated from the CE District by a public street right-of-way, only the setbacks from a public street right-of-way shall apply.

G. Compliance with Route 1 Manual

2. Alterations to Existing Uses Requiring Compliance with the Route 1 Manual

- c. A site that does not fully comply with the Route 1 Manual is subject to the bulk requirements in Section [[E.3]] **E.4** above.

H. Conditional Uses

The following are conditional uses in the CE district, subject to the detailed requirements for conditional uses given in Section 131. If there is a conflict between this section and Section 131, Section 131 shall prevail.

- 1. Communication towers [[or antennas]] (commercial)

SECTION 127.4: TOD (Transit-Oriented Development) District

D. Accessory Uses

1. Any use normally and customarily incidental to any use permitted as a matter of right in this district.
- [[2. Communication towers and antennas accessory to a principal use on the lot. Towers are subject to the requirements of Sections 128.E.2 and 128.E.3.]]

RENUMBER THE REMAINING ITEMS IN LIST.

E. Bulk Regulations

2. Minimum setbacks for development complying with the Route 1 Manual

The following minimum setback requirements apply to sites that comply fully with the Manual's requirements:

a. Minimum setbacks from public street right-of-way

(1) From arterial

- (a) Principal structures.....20 feet
- (b) All other structures and uses.....30 feet

(2) From other public street right-of-way

- (a) Principal structures..... 0 feet
- (b) All other structures and uses.....30 feet

[[3.]] B. Minimum setbacks from vicinal properties:

(1) [[a.]]From a residential district: All structures and uses.....30 feet

(2) [[b.]]From all other zoning districts:

- (A) [[(1)]]Structures containing residences..... 30[[50]] feet
- (B) [[(2)]]All other structures and uses 0 feet

(3) [[c.]] If a TOD District is separated from another zoning district by a public street right-of-way, only the setbacks from a public street right-of-way shall apply.

[[4.]] 3. Minimum distances between residential buildings

The following minimum distances shall be maintained between any buildings containing residences (even if the buildings include other uses also):

- a. Side to side15 feet
- b. All other façade to façade relationships30 feet

[[5.]] 4. Minimum setback requirements for sites not complying with the use provisions of the TOD District and the Route 1 Manual:

The following minimum setback requirements apply to sites developed prior to the creation of the TOD District that do not comply or only partially comply with the Howard County Landscape Manual and the Route 1 Manual:

- a. From external public street right-of-way
 - (1) Structures and uses50 feet
 - (2) Except for [[fences and]] parking uses AND FENCES ADJOINING PARKING USES30 feet
- b. From internal public street right-of-way
 - (1) Structures and uses50 feet
 - (2) Except for [[fences and]] parking uses AND FENCES ADJOINING PARKING USES10 feet
- c. From any residential district: all structures and uses..... 100 feet
- d. If a residential district is separated from the TOD District by a public street right-of-way, only the setbacks from a public street right-of-way shall apply.

G. Compliance with Route 1 Manual

2. Alterations to Existing Uses Requiring Compliance with the Route 1 Manual

- c. A site that does not fully comply with the Route 1 Manual is subject to the bulk requirements in Section [[E.3]] **E.4** above.

H. Conditional Uses

The following are conditional uses in the TOD District, subject to the detailed requirements for conditional uses given in Section 131. If there is a conflict between this section and Section 131, Section 131 shall prevail.

- [[1. Communication towers or antennas (commercial)
- 2.]] 1. Home occupations
- [[3.]] 2. Utility uses, public.

SECTION 127.5 CAC (Corridor Activity Center) District

C. Accessory Uses

1. Any use normally and customarily incidental to any use permitted as a matter of right in this district.
- [[2. Communication towers and antennas accessory to a principal use on the lot. Towers are subject to the requirements of Sections 128.E.2 and 128.E.3.]]

RENUMBER REMAINING ITEMS IN LIST.

D. Bulk Regulations

(Also see Section 128.A, Supplementary Bulk Regulations)

2. Maximum building height
 - a. [[Frontage on an arterial road]] PARCEL ABUTS ROUTE 1.....55 feet
 - b. [[Frontage]] PARCEL ABUTS OTHER PUBLIC ROADS.....40 feet
4. For sites that comply fully with the Route 1 Manual:
 - c. Maximum Structure Setback from Public Street Right-of Way
 - (1) As provided in the Route 1 Manual, the building façade closest to a public street should be located no more than 10 feet from the edge of the public street right-of-way unless topography, utilities or other physical constraints make a greater setback necessary. This 10-foot setback may be increased without a variance in accordance with the Route 1 Manual.
 - (2) THE DEPARTMENT OF PLANNING AND ZONING MAY ALSO APPROVE A SETBACK OF NO MORE THAN 65 FEET IF THE SERVICE ROAD OPTION IS PROPOSED AND MEETS THE FOLLOWING REQUIREMENTS:
 - (A) CREATES A SERVICE ROAD OF AT LEAST 300 LINEAR FEET PARALLEL TO ROUTE 1; AND
 - (B) MEETS THE ACCESS AND SPACING REQUIREMENTS OF THE STATE HIGHWAY ADMINISTRATION AND THE HOWARD COUNTY DESIGN MANUAL.
5. For sites developed prior to the creation of the CAC District that do not comply or only partially comply with the Landscape Design Manual and Route 1 Manual:

All structures and uses, MINIMUM SETBACK FROM PUBLIC STREET RIGHT-OF-WAY AND RESIDENTIAL DISTRICTS30 feet

E. Requirements for CAC Development

2. Requirements for Nonresidential Uses

- a. [[For any building on]] ON a lot [[abutting]] ADJOINING the right-of-way of Route 1, FOR THE BUILDINGS CLOSEST TO ROUTE 1:
 - (1) At least 50% of the first floor of the building must be designed for retail or service uses. Service uses include personal service, service agency, restaurants, and similar uses serving the public.
 - (2) The first floor of the building façade facing Route 1 must include storefronts and primary entrances for the first floor retail and service uses.
 - (3) The first floor façade shall be designed to provide pedestrian interest along Route 1 in accordance with the Route 1 Manual.
- b. Retail businesses shall not exceed 20,000 square feet of floor area for any individual business.

3. Requirements for Residential Uses

- a. Residences are permitted only within Route 1 Corridor development projects encompassing at least two gross acres of CAC-zoned land.
- b. The first floor of buildings on lots [[abutting]] ADJOINING the right-of-way of Route 1 shall not include residential uses in the building space closest to the right-of-way of Route 1. Residences may occupy other portions of the first floor space.
- c. For every [[one unit of residential space]] DWELLING UNIT that is developed 300 square feet of commercial space must be developed on the site. The Director of the Department of Planning and Zoning may, however, reduce the commercial space requirement to 200 square feet per residential unit under the following conditions:
 - (1) The site is constrained in terms of size, shape, environmental factors or access in a manner that limits commercial development potential; or
 - (2) The proposed design includes recreational, public, or non-profit uses on the first floor that benefit and are accessible to the general public
- D. THE PHASING OF RESIDENTIAL AND COMMERCIAL CONSTRUCTION SHOULD BE ROUGHLY PROPORTIONAL. NO MORE THAN 50% OF THE RESIDENTIAL UNITS SHALL BE CONSTRUCTED PRIOR TO COMMENCING THE PROPORTIONAL AMOUNT OF COMMERCIAL CONSTRUCTION.

[[d.]] E. MODERATE INCOME HOUSING

- (1) At least 15 percent of the dwelling units shall be moderate income housing units, EXCEPT THAT
- (2) AT LEAST 25 PERCENT OF THE DWELLING UNITS SHALL BE MODERATE INCOME HOUSING UNITS IF THE CAC DEVELOPMENT REQUIRES CLOSING OF A MOBILE HOME PARK EXISTING ON THE PROPERTY WHEN CAC REZONING OCCURS.

[[e.]](3) The moderate income housing units in the CAC district are to be made available to the following individuals prior to making them available to the general public;

[[(1)]](A) Employees of the development;

[[(2)]](B) All income –eligible Howard County employees of the Howard County Board of Education [Council Bill 34-2004 (ZRA-49), effective September 8, 2004]

[[(3)]](C) Residents that are dislocated by Route 1 redevelopment projects

These individuals must also meet the qualifications of the MIHU program as established in 13.400 of the Howard Code.

F. Compliance with Route 1 Manual.

2. Alternations to Existing Uses Requiring Compliance with the Route 1 Manual

- c. A site that does not fully comply with the Route 1 Manual is subject to the Bulk Requirements in Section [[D.4.B]] D.5 above.

SECTION 127.6: TNC (TRADITIONAL NEIGHBORHOOD CENTER) OVERLAY DISTRICT

A. PURPOSE

THIS DISTRICT IS INTENDED TO PROVIDE FOR THE DEVELOPMENT OF PEDESTRIAN-ORIENTED, URBAN ACTIVITY CENTERS WITH A MIX OF RETAIL, SERVICE, OFFICE AND RESIDENTIAL USES. THESE CENTERS SHOULD BE LOCATED NEAR ROUTE 40 AND CLOSE TO RESIDENTIAL COMMUNITIES THAT WILL BENEFIT FROM A PEDESTRIAN-ORIENTED LOCAL BUSINESS AREA. THE REQUIREMENTS OF THIS DISTRICT, IN CONJUNCTION WITH THE ROUTE 40 MANUAL AND THE PUBLIC IMPROVEMENTS RECOMMENDED BY THE ROUTE 40 ENHANCEMENT STUDY, WILL RESULT IN DEVELOPMENT THAT WILL STRENGTHEN NEARBY COMMUNITIES, PROVIDE FOR SAFE AND CONVENIENT PEDESTRIAN TRAVEL, AND IMPROVE THE STREETScape OF ROUTE 40 AND INTERSECTING ROADS.

SITES WITHIN THE TNC OVERLAY MAY CONTINUE TO BE USED, DEVELOPED AND REDEVELOPED IN ACCORDANCE WITH THE UNDERLYING ZONING. THE INTENT OF THIS DISTRICT IS TO PROVIDE AN ALTERNATIVE METHOD OF DEVELOPMENT FOR PROPERTY OWNERS WHO CHOOSE TO COMPLY WITH THE ROUTE 40 MANUAL AND THE REQUIREMENTS OF THIS DISTRICT. DEVELOPMENT COMPLYING WITH THE TNC DISTRICT REQUIREMENTS WILL BE PERMITTED TO INCLUDE RESIDENTIAL DEVELOPMENT AND WILL HAVE GREATER FLEXIBILITY IN SOME BULK REQUIREMENTS.

B. APPLICATION OF TNC DISTRICT

SITES IN THE TNC DISTRICT MAY BE DEVELOPED IN ACCORDANCE WITH EITHER THE UNDERLYING DISTRICT OR THIS OVERLAY DISTRICT. THE INITIAL SUBDIVISION PLAN OR SITE DEVELOPMENT PLAN FOR NEW DEVELOPMENT, REDEVELOPMENT OR ALTERATION OF A SITE MUST INDICATE WHICH SET OF REQUIREMENTS WILL BE USED. FOR SITES USING THE TNC DISTRICT, THE REQUIREMENTS OF THIS DISTRICT SUPERSEDE THE UNDERLYING DISTRICT.

C. USES PERMITTED AS A MATTER OF RIGHT

1. AGE-RESTRICTED ADULT HOUSING, IF THE ADDITIONAL REQUIREMENTS FOR AGE-RESTRICTED ADULT HOUSING SET FORTH IN THE POR DISTRICT ARE MET.
2. AMBULATORY HEALTH CARE FACILITIES.
3. ANIMAL HOSPITALS, COMPLETELY ENCLOSED.
4. ANTIQUE SHOPS, ART GALLERIES, CRAFT SHOPS.
5. ATHLETIC CENTERS, HEALTH CLUBS, TENNIS CLUBS AND SIMILAR USES.
6. BAKERIES, PROVIDED ALL GOODS BAKED ON THE PREMISES SHALL BE SOLD AT RETAIL FROM THE PREMISES.
7. BANKS, SAVINGS AND LOAN ASSOCIATIONS, INVESTMENT COMPANIES, CREDIT BUREAUS, BROKERS, AND SIMILAR FINANCIAL INSTITUTIONS, WITHOUT A DRIVE-THROUGH.
8. BICYCLE REPAIR SHOPS.
9. BLUEPRINTING, PRINTING, DUPLICATING OR ENGRAVING SERVICES LIMITED TO 2,000 SQUARE FEET OF NET FLOOR AREA.

10. CARNIVALS AND FAIRS SPONSORED BY AND OPERATED ON A NONPROFIT BASIS FOR THE BENEFIT OF CHARITABLE, SOCIAL, CIVIC OR EDUCATIONAL ORGANIZATIONS, SUBJECT TO THE REQUIREMENTS OF SECTION 128.D.3.
11. CHILD DAY CARE CENTERS AND NURSERY SCHOOLS.
12. CLOTHING AND APPAREL STORES WITH GOODS FOR SALE OR RENT.
13. COMMERCIAL COMMUNICATION ANTENNAS.
14. CONSERVATION AREAS, INCLUDING WILDLIFE AND FOREST PRESERVES, ENVIRONMENTAL MANAGEMENT AREAS, REFORESTATION AREAS, AND SIMILAR USES.
15. CONVENIENCE STORES.
16. DAY TREATMENT OR CARE FACILITIES.
17. DRUG AND COSMETIC STORES.
18. DWELLINGS, APARTMENT AND SINGLE-FAMILY ATTACHED, ONLY WITHIN A ROUTE 40 CORRIDOR DEVELOPMENT PROJECT WITH AT LEAST 2 GROSS ACRES OF TNC-ZONED LAND.
19. FARMERS MARKETS.
20. FOOD STORES.
21. FURNITURE, APPLIANCE AND BUSINESS MACHINE REPAIR, FURNITURE UPHOLSTERING, AND SIMILAR SERVICES.
22. GOVERNMENT STRUCTURES, FACILITIES AND USES, INCLUDING PUBLIC SCHOOLS AND COLLEGES.
23. HARDWARE STORES.
24. HOTELS, MOTELS, COUNTRY INNS AND CONFERENCE CENTERS.
25. LAUNDRY OR DRY CLEANING ESTABLISHMENTS, EXCEPT THAT PICKUP AND DELIVERY SERVICES SHALL NOT BE PROVIDED.
26. LIQUOR STORES.
27. MUSEUMS AND LIBRARIES.
28. NONPROFIT CLUBS, LODGES, COMMUNITY HALLS.
29. OFFICES, PROFESSIONAL AND BUSINESS.
30. PARKING FACILITIES THAT SERVE ADJACENT OFF-SITE USES IN ACCORDANCE WITH SECTION 133.B.4.
31. PERSONAL SERVICE ESTABLISHMENTS SUCH AS BARBER SHOPS, BEAUTY SHOPS, OPTICIANS, PHOTOGRAPHERS, TAILORS.
32. PET GROOMING ESTABLISHMENTS.
33. REPAIR OF ELECTRONIC EQUIPMENT, RADIOS, TELEVISIONS, COMPUTERS, CLOCKS, WATCHES, JEWELRY, AND SIMILAR ITEMS.
34. RESTAURANTS, CARRYOUT, INCLUDING INCIDENTAL DELIVERY SERVICE.
35. RESTAURANTS, FAST FOOD, IN A MULTI-STORY BUILDING WITHOUT A DRIVE-THROUGH.
36. RESTAURANTS, STANDARD, AND BEVERAGE ESTABLISHMENTS, INCLUDING THOSE SERVING BEER, WINE AND LIQUOR.
37. SEASONAL SALE OF CHRISTMAS TREES OR OTHER DECORATIVE PLANT MATERIALS, SUBJECT TO THE REQUIREMENTS OF SECTION 128.D.4.
38. SCHOOLS, COMMERCIAL, INCLUDING DRIVING SCHOOLS, BUSINESS SCHOOLS, TRADE SCHOOLS, ART SCHOOLS AND OTHER COMMERCIALY OPERATED SCHOOLS.
39. SCHOOLS, PRIVATE ACADEMIC, INCLUDING COLLEGES AND UNIVERSITIES.
40. SERVICE AGENCIES, SUCH AS REAL ESTATE AGENCIES, INSURANCE AGENCIES, SECURITY SERVICES, MESSENGER SERVICES, COMPUTER SERVICES, TRAVEL AGENCIES, MAILING SERVICES.
41. SPECIALTY STORES.

42. UNDERGROUND PIPELINES; ELECTRIC TRANSMISSION AND DISTRIBUTION LINES; TELEPHONE, TELEGRAPH AND CATV LINES; MOBILE TRANSFORMER UNITS; TELEPHONE EQUIPMENT BOXES; AND OTHER SIMILAR PUBLIC UTILITY USES NOT REQUIRING A CONDITIONAL USE.
43. VOLUNTEER FIRE DEPARTMENTS.

D. ACCESSORY USES

1. ANY USE NORMALLY AND CUSTOMARILY INCIDENTAL TO ANY USE PERMITTED AS A MATTER OF RIGHT IN THIS DISTRICT.
2. HOME OCCUPATIONS, SUBJECT TO THE REQUIREMENTS OF SECTION 128.C.1.
3. PRIVATE PARKS, SWIMMING POOLS, ATHLETIC FIELDS, EXERCISE FACILITIES, TENNIS COURTS, BASKETBALL COURTS AND SIMILAR PRIVATE, NON-COMMERCIAL RECREATION FACILITIES.
4. RETAIL SALE OF PROPANE ON THE SITE OF A PRINCIPAL RETAIL BUSINESS.
5. SNOWBALL STANDS, SUBJECT TO THE REQUIREMENTS OF SECTION 128.D.5.

E. BULK REGULATIONS

(ALSO SEE SECTION 128.A, SUPPLEMENTARY BULK REGULATIONS.)

1. MINIMUM PARCEL SIZE..... 2 ACRES
2. RESIDENTIAL DENSITY, MAXIMUM
 - A. PARCEL ADJACENT TO ROUTE 40.....20 UNITS PER NET ACRE
 - B. PARCEL ADJACENT TO FREDERICK ROAD8 UNITS PER NET ACRE
3. MAXIMUM HEIGHT LIMITATIONS
 - A. PARCEL ADJACENT TO ROUTE 40.....55 FEET
 - B. PARCEL ADJACENT TO FREDERICK ROAD35 FEET
4. MINIMUM BUILDING HEIGHT.....25 FEET
5. MINIMUM STRUCTURE OR USE SETBACK FROM ROUTE 40 RIGHT-OF-WAY 20 FEET
6. MINIMUM SETBACKS FROM OTHER PUBLIC STREET RIGHT-OF-WAY
 - A. PRINCIPAL STRUCTURES AND AMENITY AREAS..... 0 FEET
 - B. ALL OTHER STRUCTURES AND USES.....20 FEET
7. MINIMUM STRUCTURE AND USE SETBACKS FROM RESIDENTIAL LOTS FOR R-ED, R-20, R-12 OR R-SC DISTRICTS
 - A. PARCEL ADJACENT TO ROUTE 40..... 100 FEET
 - B. PARCEL ADJACENT TO FREDERICK ROAD50 FEET

8. MINIMUM STRUCTURE AND USE SETBACKS FROM OPEN SPACE, MULTI-FAMILY OR NON-RESIDENTIAL USES IN R-ED, R-20, R-12 OR R-SC DISTRICTS30 FEET
9. MINIMUM STRUCTURE AND USE SETBACKS FROM ANY OTHER RESIDENTIAL ZONING DISTRICT30 FEET
10. IF A R-ED, R-20, R-12, OR R-SC DISTRICT IS SEPARATED FROM THE TNC DISTRICT BY A PUBLIC STREET RIGHT-OF-WAY, ONLY THE SETBACKS FROM A PUBLIC STREET RIGHT-OF-WAY SHALL APPLY.
11. MINIMUM STRUCTURE AND USE SETBACKS FROM ALL OTHER DISTRICTS... 0 FEET
12. MAXIMUM STRUCTURE SETBACK FROM PUBLIC STREET RIGHT-OF-WAY
 - A. FROM ROUTE 40..... 100 FEET
 - B. AS PROVIDED IN THE ROUTE 40 MANUAL, THE BUILDING FACADE CLOSEST TO A PUBLIC STREET OTHER THAN US 40 SHOULD BE LOCATED NO MORE THAN 10 FEET FROM THE EDGE OF THE PUBLIC STREET RIGHT-OF-WAY UNLESS TOPOGRAPHY, UTILITIES OR OTHER PHYSICAL CONSTRAINTS MAKE A GREATER SETBACK NECESSARY. THIS 10-FOOT SETBACK MAY BE INCREASED WITHOUT A VARIANCE IN ACCORDANCE WITH THE ROUTE 40 MANUAL.

F. REQUIREMENTS FOR TNC DEVELOPMENT

1. AMENITY AREA

TNC DEVELOPMENTS SHALL INCLUDE A FORMAL, LANDSCAPED, OUTDOOR AMENITY AREA, SUCH AS A PLAZA, COURTYARD, SQUARE, OR COMMON THAT COMPLIES WITH THE REQUIREMENTS OF THE ROUTE 40 MANUAL.

2. REQUIREMENTS FOR NONRESIDENTIAL USES

ON A LOT ADJOINING THE RIGHT-OF-WAY OF AN ARTERIAL OR COLLECTOR PUBLIC STREET, FOR THE BUILDINGS CLOSEST TO THE ARTERIAL OR COLLECTOR STREET:

- A. AT LEAST 50% OF THE FIRST FLOOR OF THE BUILDING MUST BE DESIGNED FOR RETAIL OR SERVICE USES. SERVICE USES INCLUDE PERSONAL SERVICE, SERVICE AGENCY, RESTAURANTS, AND SIMILAR USES SERVING THE PUBLIC.
- B. THE FIRST FLOOR OF THE BUILDING FACADE FACING THE RIGHT-OF-WAY MUST INCLUDE STOREFRONTS AND PRIMARY ENTRANCES FOR THE FIRST FLOOR RETAIL AND SERVICE USES.
- C. THE FIRST FLOOR FACADE SHALL BE DESIGNED TO PROVIDE PEDESTRIAN INTEREST ALONG SIDES OF BUILDINGS THAT FACE THE STREET IN ACCORDANCE WITH THE ROUTE 40 MANUAL.

3. REQUIREMENTS FOR RESIDENTIAL USES

- A. RESIDENCES ARE PERMITTED ONLY WITHIN ROUTE 40 CORRIDOR DEVELOPMENT PROJECTS ENCOMPASSING AT LEAST 2 GROSS ACRES OF TNC-ZONED LAND.
- B. THE FIRST FLOOR OF BUILDINGS ON LOTS ADJOINING INTERMEDIATE ARTERIAL OR MAJOR COLLECTOR RIGHTS-OF-WAY SHALL NOT INCLUDE RESIDENTIAL USES IN THE BUILDING SPACE CLOSEST TO THE RIGHT-OF-WAY. RESIDENCES MAY OCCUPY OTHER PORTIONS OF THE FIRST FLOOR SPACE.
- C. FOR EVERY DWELLING UNIT DEVELOPED, 300 SQUARE FEET OF COMMERCIAL SPACE MUST BE DEVELOPED ON THE SITE. THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND ZONING MAY, HOWEVER, REDUCE THE COMMERCIAL SPACE REQUIREMENT TO 200 SQUARE FEET PER DWELLING UNIT UNDER THE FOLLOWING CONDITIONS:
 - (1) THE SITE IS CONSTRAINED IN TERMS OF SIZE, SHAPE, ENVIRONMENTAL FACTORS OR ACCESS IN A MANNER THAT LIMITS COMMERCIAL DEVELOPMENT POTENTIAL; OR
 - (2) THE PROPOSED DESIGN INCLUDES RECREATIONAL, PUBLIC, OR NON-PROFIT USES ON THE FIRST FLOOR THAT BENEFIT AND ARE ACCESSIBLE TO THE GENERAL PUBLIC.
- D. THE PHASING OF RESIDENTIAL AND COMMERCIAL CONSTRUCTION SHOULD BE ROUGHLY PROPORTIONAL. NO MORE THAN 50% OF THE RESIDENTIAL UNITS SHALL BE CONSTRUCTED PRIOR TO COMMENCING THE PROPORTIONAL AMOUNT OF COMMERCIAL CONSTRUCTION.
- E. AT LEAST 15 PERCENT OF THE DWELLING UNITS SHALL BE MODERATE INCOME HOUSING UNITS.
- F. THE MODERATE INCOME HOUSING UNITS IN THE TNC DISTRICT ARE TO BE MADE AVAILABLE TO THE FOLLOWING INDIVIDUALS PRIOR TO MAKING THEM AVAILABLE TO THE GENERAL PUBLIC:
 - (1) EMPLOYEES OF THE DEVELOPMENT;
 - (2) HOWARD COUNTY EMPLOYEES; AND
 - (3) RESIDENTS THAT ARE DISLOCATED BY ROUTE 40 OR ROUTE 1 REDEVELOPMENT PROJECTS

THESE INDIVIDUALS MUST ALSO MEET THE QUALIFICATIONS OF THE MIHU PROGRAM AS ESTABLISHED IN SECTION 13.400 OF THE HOWARD CODE.

G. COMPLIANCE WITH ROUTE 40 MANUAL

ALL SITES DEVELOPED UNDER THE TNC DISTRICT REQUIREMENTS SHALL COMPLY WITH THE STANDARDS OF THE ROUTE 40 MANUAL.

H. PARKING

THE MINIMUM OFF-STREET PARKING REQUIREMENTS OF SECTION 133.D MAY BE REDUCED BY THE NUMBER OF ON-STREET PARKING SPACES AVAILABLE WITHIN A

PUBLIC STREET RIGHT-OF-WAY OR PRIVATE SERVICE DRIVE ADJOINING THE PARCEL. ON-STREET PARKING SPACES USED TO MEET THE MINIMUM PARKING REQUIREMENT MUST BE WITHIN THE ROAD SECTION ADJOINING THE PARCEL AND ON THE SAME SIDE OF THE STREET AS THE ASSOCIATED PARCEL.

I. CONDITIONAL USES

THE FOLLOWING ARE CONDITIONAL USES IN THE TNC DISTRICT, SUBJECT TO THE DETAILED REQUIREMENTS FOR CONDITIONAL USES GIVEN IN SECTION 131. IF THERE IS A CONFLICT BETWEEN THIS SECTION AND SECTION 131, SECTION 131 SHALL PREVAIL.

1. HOME OCCUPATIONS
2. NURSING HOMES AND RESIDENTIAL CARE FACILITIES
3. UTILITY USES, PUBLIC

SECTION 128: Supplementary Regulations

A. Supplementary Bulk Regulations

10. Setbacks from lot lines internal to a development [[when]]

WHEN two or more contiguous lots or parcels are treated as a single parcel for development purposes, the structure and use setbacks from lot lines internal to the development shall not apply provided that:

- a. A sketch plan or site development plan is approved for the development showing an integrated design for the contiguous lots OR THERE ARE TWO ADJOINING PROJECTS BY THE SAME DEVELOPER THAT HAVE INTEGRATED DESIGN ELEMENTS SUCH AS ROADS, UTILITIES OR OPEN SPACE;
- b. The lots are developed and maintained as an integrated development;
- c. All of the lots are integral and necessary to the project; and
- d. Improvements are planned and constructed without regard to the internal lot lines.
- e. In all instances, perimeter setbacks to adjoining parcels shall be maintained.

11. Setbacks for Zoning Boundaries Internal to a Development

In a development with a SUBDIVISION OR SITE DEVELOPMENT plan showing an integrated design that incorporates more than one zoning district, there is no required setback from an internal zoning district boundary. In all instances perimeter setbacks to adjoining parcels shall be maintained.

12. Bulk regulations for detached accessory garages

- A. Detached accessory garages are accessory to single-family detached dwellings and are limited to 600 square feet, except in the RC and RR districts.
- B. The following bulk requirements shall apply to detached accessory garages in the RC and RR Districts:
 - [[a.]] (1) [[Size:
lot size maximum]] MAXIMUM square footage
LOTS 2 acres or less..... 1,200 square feet
LOTS greater than 2 acres..... 2,200 square feet
 - [[b.]](2) Maximum height limitations:
On lots 3 acres in area or less, the height of detached garages shall be limited to 15 feet. Detached garages located on lots greater than 3 acres, must conform to the zoning district's bulk requirements.
 - [[c.]](3) Setbacks:
 - (A) The minimum rear [[and side]] setbacks for detached garages shall be 20 feet.
 - (B) THE MINIMUM SIDE SETBACKS FOR DETACHED GARAGES SHALL BE 20 FEET FOR LOTS LESS THAN 3 ACRES AND 30 FEET FOR LOTS 3 ACRES OR GREATER.
 - (C) Full baths and commercial or residential uses are not permitted in detached garages.

13. **BULK REGULATIONS FOR ACCESSORY APARTMENTS**

IN DWELLINGS WITH A NET FLOOR AREA OF 2,000 SQUARE FEET OR LESS, THE ACCESSORY APARTMENT SHALL OCCUPY NO MORE THAN 40 PERCENT OF THE NET FLOOR AREA OF THE BUILDING. FOR LARGER DWELLINGS, THE APARTMENT SHALL OCCUPY NO MORE THAN ONE-THIRD OF THE NET FLOOR AREA, UP TO A MAXIMUM OF 1,500 SQUARE FEET.

THE FLOOR AREA OF THE ACCESSORY APARTMENT INCLUDES ONE-THIRD OF THE AREA OF SHARED STORAGE OR UTILITY AREAS.

E. **Communication Towers and Antennas**

2. **Supplementary Regulations for Communication Towers**

The following requirements are in addition to the requirements of the applicable zoning districts. The setback requirements given below are subject to the provisions of these regulations for variances and administrative adjustments.

- a. Setbacks for communication towers in residential districts [[and residential land use areas of the PGCC and MXD Districts]]:
 - (1) From public street rights-of-way and other residentially-zoned lots: a minimum distance equal to the tower height (including antennas) measured from ground level.
 - (2) From non-residentially-zoned lots: a minimum distance equal to 50 feet or one-third of the tower height (including antennas) measured from ground level, whichever is greater.
- b. Setbacks for communication towers in the POR, PEC, CCT, B-1, B-2, SC, BR, M-1, [[and]] M-2, AND CE Districts, and in employment land use areas of the PGCC and MXD Districts:
 - (1) From residential districts: a minimum distance equal to half the tower height (including antennas) measured from ground level.
 - (2) From public street rights-of-way: a minimum distance equal to 50 feet on one-third of the tower height (including antennas) measured from ground level, whichever is greater.

G. **Traditional Residential Neighborhoods**

The following regulations may be applied to developments of at least 20 acres in the R-ED, R-SC, R-SA-8, [[and]] R-A-15, and R-MH Districts which are Traditional Residential Neighborhoods as defined in Section [[103.A.14]] 103. THESE REGULATIONS MAY ALSO BE APPLIED TO AREAS OF POR OR B-1 ZONING THAT ABUT AND ARE AN INTEGRAL PART OF THE DESIGN OF A TRADITIONAL RESIDENTIAL NEIGHBORHOOD.

3. **Bulk Regulations**

All bulk requirements for the R-ED, R-SC, R-SA-8, [[and]] R-A-15, [[and]] R-MH, POR AND B-1 Districts shall remain applicable, with the following exceptions:

- a. Except as provided in subparagraphs E(1) and F, the minimum setback for structures in single-family detached subdivisions within Traditional Residential Neighborhoods shall be 30 feet from the project boundary or from an external public street right-of-way, in lieu of the required setbacks from project boundaries or public street rights-of-way indicated in the applicable zoning district.
- b. The required front or side setback from any internal public street right-of-way, regardless of the classification of the street, shall be 0 feet for all RESIDENTIAL structures. FOR COMMERCIAL, OFFICE, OPEN SPACE AND CIVIC STRUCTURES, THE SETBACK FROM AN INTERNAL PUBLIC STREET RIGHT-OF-WAY SHALL BE 10 FEET.
- c. The required side or rear setback from an alley right-of-way shall be 0 feet for accessory structures, AND FOR THE REAR OF THE PRINCIPAL STRUCTURE IF THE GARAGE IS INTEGRAL TO THE PRINCIPAL STRUCTURE. THE MINIMUM REAR TO REAR DISTANCE FOR STRUCTURES ON OPPOSITE SIDES OF AN ALLEY MAY BE REDUCED TO 30 FEET.
- d. Except as provided in subparagraph E(1), the required setbacks from lot lines for principal structures in all development projects except single-family attached residential developments shall be as follows:
 - (1) Side 5 feet
Except zero lot line dwellings 0 feet
A minimum of 10 feet must be provided between structures.
 - (2) Rear 10 feet
- e. The required bulk regulations for an R-MH mobile home development developed as a traditional residential neighborhood, having irredeemable ground leases, proposed for subdivision, and subdivided are as follows:
 - (1) The lot size, lot coverage, lot width, setback requirements for existing structures from the project boundary, setback requirements from proposed lot lines prior to subdivision, setback requirements from lot lines after subdivision, and the minimum distance between structures shall be in accordance with an as-built site development plan. The as-built site development plan shall be filed in conjunction with the record plat and shall be:
 - (a) Signed and sealed by the registered professional preparer as required by the Department of Planning and Zoning for original site development plans; and
 - (b) Approved by the Department of Planning and Zoning.
 - (2) After the record plat is recorded, the construction of any enclosed addition which increases the gross floor area of the building shall be subject to the side and rear setback requirement listed in subparagraph D.
 - (3) After the record plat is recorded, the construction of any unenclosed porch or deck shall be subject to a determination by the Department of Planning and Zoning, on a case-by-case basis, as to whether the addition increases the gross floor area. If the Department determines that the gross floor

area will increase, the addition shall be subject to setback requirements as set forth in the Building Code at Title 3, Subtitle 1 of the Howard County Code and shall not be subject to the specific setback requirements of this section. [Council Bill 30-2004 (ZRA-51), effective August 10, 2004]

- f. The required setbacks from side or rear lot lines for accessory structures on lots improved by single-family detached dwellings shall be as follows:
 - (1) Detached accessory garages or sheds 0 feet
 - (2) Other accessory structures
 - (a) Side 5 feet
 - (b) Rear10 feet

- G. THERE SHALL BE NO LIMITS ON THE MAXIMUM LOT COVERAGE FOR ATTACHED UNITS.

SECTION 130: Hearing Authority

B. Powers of the Hearing Authority

2. Variances

- a. The Hearing Authority shall have the authority to grant variances from the parking requirements and bulk regulations established in these regulations, **EXCLUDING DENSITY AND MINIMUM LOT SIZE REQUIREMENTS**, where all of the following determinations are made:
 - (1) That there are unique physical conditions, including irregularity, narrowness or shallowness of lot or shape, exceptional topography, or other existing features peculiar to the particular lot; and that as a result of such unique physical conditions, practical difficulties or unnecessary hardships arise in complying strictly with the bulk provisions of these regulations.
 - (2) That the variance, if granted, will not alter the essential character of the neighborhood or district in which the lot is located; will not substantially impair the appropriate use or development of adjacent property; and will not be detrimental to the public welfare.
 - (3) That such practical difficulties or hardships have not been created by the owner provided, however, that where all other required findings are made, the purchase of a lot subject to the restrictions sought to be varied shall not itself constitute a self-created hardship.
 - (4) That within the intent and purpose of these regulations, the variance, if granted, is the minimum variance necessary to afford relief.
 - (5) That no variance be granted to the minimum criteria established in Section 131 for conditional uses, except where specifically provided therein or in an historic district. Nothing herein shall be construed to prevent the granting of variances in any zoning district other than to the minimum criteria established in Section 131 except as provided therein.

SECTION 131: Conditional Uses

N. Conditional Uses and Permissible Zoning Districts

The [[Board of Appeals]] HEARING AUTHORITY may grant conditional uses in the specified districts in accordance with the following minimum criteria.

1. Age-Restricted Adult Housing

A conditional use may be granted in the RC, RR, R-ED, R-20, R-12, R-SC, R-SA-8, or R-A-15 District for age-restricted adult housing, provided that:

- a. Single-family detached, semi-detached, MULTI-PLEX, attached and apartment dwelling units shall be permitted, except that [[only detached, and semi-detached units are permitted in the RC and RR Districts]]
 - (1) ONLY DETACHED, SEMI-DETACHED AND MULTI-PLEX UNITS ARE PERMITTED IN THE RC AND RR DISTRICTS; AND
 - (2) ONLY DETACHED, SEMI-DETACHED, MULTI-PLEX AND SINGLE-FAMILY ATTACHED UNITS ARE PERMITTED IN DEVELOPMENTS WITH LESS THAN 50 DWELLING UNITS IN THE R-ED, R-20 AND R-12 DISTRICTS.
- b. The development shall have a minimum of 20 dwelling units [[in the R-ED, R-SC, R-SA-8 and R-A-15 Districts and a minimum of 50 dwelling units in the RC, RR, R-20 and R-12 Districts. Any proposed development located in the RC, RR, R-20 and R-12 Districts, for which a conditional use petition or a pre-submission community meeting notice was filed on or prior to February 20, 2003, shall have a minimum of 20 dwelling units]].
- c. The maximum density shall be as follows:

| <u>[[Zoning District</u> | <u>Maximum Dwelling Units per Acre of Lot Area]]</u> |
|--------------------------|--|
| [[RC or RR | 1 per net acre |
| R-20 or R-ED | 5 per net acre |
| R-12 | 6 per net acre |
| R-SC | 8 per net acre |
| R-SA-8 | 12 per net acre |
| R-A-15 | 25 per net acre]] |

| ZONING DISTRICT | NUMBER OF DWELLING UNITS IN DEVELOPMENT | MAXIMUM UNITS PER NET ACRE |
|-----------------|---|----------------------------|
| RC AND RR | 20 OR MORE | 1 |
| R-ED AND R-20 | 20-49 | 4 |
| | 50 OR MORE | 5 |
| R-12 | 20-49 | 5 |
| | 50 OR MORE | 6 |
| R-SC | 20-49 | 7 |
| | 50 OR MORE | 8 |
| R-SA-8 | 20 OR MORE | 12 |
| R-A-15 | 20 OR MORE | 25 |

D. SITE DESIGN

THE LANDSCAPE CHARACTER OF THE SITE MUST BLEND WITH ADJACENT RESIDENTIAL PROPERTIES. TO ACHIEVE THIS:

- (1) GRADING AND LANDSCAPING SHALL RETAIN AND ENHANCE ELEMENTS THAT ALLOW THE SITE TO BLEND WITH THE EXISTING NEIGHBORHOOD.
- (2) THE PROJECT SHALL BE COMPATIBLE WITH RESIDENTIAL DEVELOPMENT IN THE VICINITY BY PROVIDING EITHER:
 - (A) AN ARCHITECTURAL TRANSITION, WITH BUILDINGS NEAR THE PERIMETER THAT ARE SIMILAR IN SCALE, MATERIALS AND ARCHITECTURAL DETAILS TO NEIGHBORING DWELLINGS AS DEMONSTRATED BY ARCHITECTURAL ELEVATIONS OR RENDERINGS SUBMITTED WITH THE PETITION; OR
 - (B) ADDITIONAL BUFFERING ALONG THE PERIMETER OF THE SITE, THROUGH RETENTION OF EXISTING FOREST OR LANDSCAPING, ENHANCED LANDSCAPING, BERMS OR INCREASED SETBACKS.
- (3) FOR PROJECTS WITH LESS THAN 50 DWELLING UNITS IN THE RC, RR, R-ED, R-20 AND R-12 DISTRICTS, SETBACKS FROM EXISTING PUBLIC STREETS SHALL BE THE SAME AS THE SETBACK REQUIRED FOR RESIDENTIAL USES ON ADJACENT PROPERTIES.

**E. [[d. The development shall comply with the following bulk requirements:]]
BULK REQUIREMENTS**

- (1) Maximum Height:
 - (a) Apartments40 feet
EXCEPT IN R-SA-8 AND R-A-1555 FEET
 - (b) Other Principal Structures34 feet
 - (c) Accessory Structures15 feet
- (2) Minimum Structure and Use Setback from[[Perimeter of Development]]:
 - (a) From Public Street Right-of-way40 feet
 - (b) From RESIDENTIAL LOTS IN RC, RR, R-ED, R-20, R-12 or R-SC Districts:
 - (i) Apartments [[and single-family attached]] 100[[75]] feet
 - (ii) SINGLE FAMILY ATTACHED.....75 FEET
 - [[(ii)] (iii) Single-family detached, [[and]] semi-detached, AND MULTI-PLEX [[50]] 40 feet
 - (C) [[(iii) Unless adjoining parcel is developed for]] FROM OPEN SPACE, multi-family or non-residential uses in RC, RR,

- R-ED, R-20, R-12 or R-SC..... [[40]] 30 feet
- [[c)] (D) From zoning districts other than RC, RR, R-ED,
R-20, R-12 or R-SC.....20 feet
- (3) Minimum structure setback from interior roadway or driveway for units with
garages.....20 feet
- (4) Minimum structure setback from lot lines for single-family detached OR
MULTI-PLEX units:
- (a) Side [[5]] 10 feet
Except zero lot line dwellings..... 0 feet
A minimum of [[15]] 10 feet must be provided between structures.
- (b) Rear20 feet
- (5) Minimum distance between single-family detached and/or attached
dwellings:
- (a) For units oriented face-to-face..... 30 feet
- (b) For units oriented side-to-side 15 feet
- (c) For units oriented face-to-side or rear-to-side20 feet
- (d) For units oriented rear-to-rear.....40 feet
- (e) For units oriented face-to-rear 100 feet
- (6) Minimum distance between apartment buildings or between apartment
buildings and single-family dwellings:
- (a) For units oriented face-to-face..... 30 feet
- (b) For units oriented side-to-side15 feet
- (c) For units oriented face-to-side or rear-to-side30 feet
- (d) For units oriented rear-to-rear.....60 feet
- (e) For units oriented face-to-rear 100 feet
- (7) APARTMENT BUILDINGS AND GROUPS OF SINGLE-FAMILY
ATTACHED UNITS MAY NOT EXCEED 120 FEET IN LENGTH.
HOWEVER, THE HEARING AUTHORITY MAY APPROVE A
GREATER LENGTH, UP TO A MAXIMUM OF 300 FEET IN R-SA-8
AND R-A-15, OR 200 FEET IN OTHER DISTRICTS, BASED ON
ARCHITECTURAL DESIGN THAT MITIGATES THE VISUAL IMPACT
OF THE INCREASED LENGTH.
- GF. [[e.]] At least 50 percent of the gross site area in the RC, [[and]] RR AND R-ED,
Districts, [[and]] at least 35 percent in the [[R-ED]], R-20, R-12, AND R-SC
DISTRICTS, AND AT LEAST 25 PERCENT IN THE R-SA-8 and R-A-15 Districts,
shall be open space or open area in accordance with the Subdivision and Land
Development Regulations. The open space or open area shall provide amenities such
as pathways, seating areas and recreation areas for the residents, and shall be
protective of natural features.
- HG. [[f.]] Accessory uses may include social, recreational, educational, housekeeping,
security, transportation or personal services, provided that use of these services is
limited to on-site residents and their guests.

- ~~H~~. [[g.]] At least one on-site community building or interior community space shall be provided that contains a minimum of:
- (1) 20 square feet of floor area per dwelling unit [[for developments of less than 100 dwelling units]], FOR THE FIRST 99 UNITS with a minimum area of 500 square feet, [[or]] AND
 - (2) 10 square feet of floor area per dwelling unit [[for developments of 100 or more dwelling units]] FOR EACH ADDITIONAL UNIT ABOVE 99.
- ~~I~~. [[h.]] Loading and trash storage areas shall be adequately screened from view.
- [[i. The project shall be designed to provide a transition or adequate buffering near the periphery of the site, either with open space areas and landscaping, or by designing the buildings near the periphery to be compatible in scale and character with residential development in the vicinity as demonstrated by architectural elevations or renderings submitted with the petition.]]
- ~~K~~~~J~~. [[j.]] For a development that will be built in phases, open space areas, recreational facilities and other accessory facilities shall be provided in each phase to meet the needs of the residents. The developer shall provide a schedule for the installation of facilities at the time the conditional use is approved.
- ~~L~~~~K~~. [[k.]] The petition shall establish how the age restrictions required under the definition of this use will be implemented and maintained over times. If the development will not be a rental community under single ownership, an entity such as a condominium association or homeowners association shall be established to maintain and enforce the age restrictions in addition to County enforcement of zoning regulations.
- ~~M~~~~L~~. [[l.]] All open space, common areas and related improvements shall be managed and maintained by a common entity, either the owner of the development, a condominium association, or a homeowners association.
- ~~N~~~~M~~. [[m. The petition shall include floor plans or other material demonstrating that the proposed dwellings will be appropriate for the age-restricted populations, including design features that incorporate universal design principles to be accessible to or adaptable for residents with limited mobility and other age-related functional limitations. The petition must include a list of interior features that make individual dwelling units adaptable and must demonstrate that accessible routes will be provided between parking areas, sidewalks, dwelling units and common areas.]] THE DEVELOPMENT SHALL INCORPORATE UNIVERSAL DESIGN FEATURES FROM THE DEPARTMENT OF PLANNING AND ZONING GUIDELINES THAT IDENTIFY REQUIRED, RECOMMENDED AND OPTIONAL FEATURES. THE PETITION SHALL INCLUDE DESCRIPTIONS OF THE DESIGN FEATURES OF PROPOSED DWELLINGS TO DEMONSTRATE THEIR APPROPRIATENESS FOR THE AGE-RESTRICTED POPULATION. THE MATERIAL SUBMITTED SHALL INDICATE HOW UNIVERSAL DESIGN FEATURES WILL BE USED TO MAKE INDIVIDUAL DWELLINGS ADAPTABLE TO PERSONS WITH MOBILITY OR FUNCTIONAL LIMITATIONS AND HOW THE DESIGN WILL PROVIDE ACCESSIBLE ROUTES BETWEEN PARKING AREAS, SIDEWALKS, DWELLING UNITS AND COMMON AREAS.

- ØN. [[n.]] At least ten percent of the dwelling units IN THE RC,RR, R-ED, R-20, R-12 AND R-SC DISTRICTS, AND AT LEAST 15 PERCENT IN THE R-SA-8 AND R-A-15 DISTRICTS, shall be moderate income housing units [[in accordance with standards and procedures adopted by the County Council]].

2. Agribusiness

- a. A conditional use may be granted in the RC and RR District for the following commercial and industrial uses:
- (1) Local agricultural processing facilities, provided that at least 51 percent of the ingredients, measured by weight or volume as appropriate, are grown on the farm or land under the same ownership as the farm where the conditional uses is located. Commercial grain milling and processing is permitted by right IN THE RC DISTRICT and does not require conditional use approval (see Section 104.B.4).
 - (2) Farm supply and machinery sales, storage and services.
 - (3) Fuel production as an agricultural by-product.
 - (4) Bulk produce storage facilities including cooperatives, except that bulk grain storage is permitted as a matter of right.
 - (5) Livestock slaughtering
- b. These uses are subject to the following:
- (1) The use shall be located on a parcel of at least 100 acres in the RC District only, or on a parcel of any size IN THE RC OR RR DISTRICT if subject to an Agricultural Land Preservation Easement or a preservation parcel easement.
 - (2) For meat and dairy processing facilities or livestock slaughtering facilities, all structures and uses shall be at least 300 feet from lot lines.
 - (3) All other facilities, structures and uses shall be at least 150 feet from [[lot lines.]] ADJOINING RESIDENTIAL LOTS.

14. Communication Towers or Antennas (Commercial)

- a. A conditional use may be granted for commercial communication towers or antennas in the following districts:
- (1) In the RC, RR, R-ED, R-20, R-12, R-SC, R-SA-8, R-A-15, R-MH, OR PGCC [[or TOD]] Districts, except that antennas meeting the requirements of Section 128.E.4, and commercial communication towers located on government property, excluding School Board property, and with a height of less than 200 feet measured from ground level, are permitted as a matter of right.

28. Home Occupations.

A conditional use may be granted in the RC, RR, R-ED, R-20, R-12, R-SC, R-SA-8, R-A-15, R-MH, R-VH, PGCC, TOD, [[and]] CAC AND TNC Districts for home occupations subject to the following requirements, except that home occupations meeting all requirements of Section 128.C.1 are permitted accessory uses:

36. Nursing Homes and Residential Care Facilities.

A conditional use may be granted in the RC, RR, R-ED, R-20, R-12, R-SC, R-SA-8, R-A-15, R-MH, R-VH, [[and]] CAC AND TNC Districts for nursing homes and residential care facilities, provided that:

47. **Two-Family Dwellings, [[and]] Accessory Apartments AND AGE-RESTRICTED MULTI-PLEX DWELLINGS**

A conditional use may be granted for two-family dwellings, [[or]] accessory apartments OR AGE-RESTRICTED MULTI-PLEX DWELLINGS in the following districts, provided that any new structures or additions will be designed to be compatible in scale and character with the surrounding residential NEIGHBORHOOD. [[neighborhood, as demonstrated by architectural elevations or renderings submitted with the petition.]] COMPATIBILITY OF CHARACTER MAY BE IN ARCHITECTURAL STYLE, MATERIALS OR DETAILS. COMPATIBILITY SHALL BE DEMONSTRATED BY ARCHITECTURAL ELEVATIONS OR RENDERINGS SUBMITTED WITH THE PETITION.

- a. Two-family dwellings: in the RC, RR, R-ED, R-20 or R-12 districts.
- b. Accessory apartments: on lots of less than 12,000 square feet in the R-ED, R-20, R-12 and R-SC districts. (On lots of 12,000 square feet or larger, this is a permitted use in these districts.)
- C. AGE-RESTRICTED MULTI-PLEX DWELLINGS: IN THE R-ED, R-20 AND R-12 DISTRICTS, PROVIDED THAT:
 - (1) THE DEVELOPMENT HAS FRONTAGE ON AND DIRECT ACCESS TO A PUBLIC ROAD.
 - (2) THE MINIMUM LOT SIZE IS ONE GROSS ACRE IN R-ED AND R-20 AND 20,000 SQUARE FEET IN R-12.
 - (3) THE NET FLOOR AREA OF THE MULTI-PLEX BUILDING IS LIMITED TO 5,000 SQUARE FEET.
 - (4) THE DWELLINGS ARE LIMITED TO AGE-RESTRICTED ADULT HOUSING. THE PETITION MUST INCLUDE COPIES OF PROPOSED DEED RESTRICTIONS OR COVENANTS THAT ESTABLISH HOW THE AGE RESTRICTIONS REQUIRED UNDER THE DEFINITION OF AGE-RESTRICTED ADULT HOUSING WILL BE IMPLEMENTED AND MAINTAINED.
 - (5) THE DWELLINGS INCORPORATE UNIVERSAL DESIGN FEATURES FROM THE DEPARTMENT OF PLANNING AND ZONING GUIDELINES THAT IDENTIFY REQUIRED, RECOMMENDED AND OPTIONAL FEATURES. THE PETITION SHALL INCLUDE DESCRIPTIONS OF THE DESIGN FEATURES OF PROPOSED DWELLINGS TO DEMONSTRATE THEIR APPROPRIATENESS FOR THE AGE-RESTRICTED POPULATIONS. THE MATERIAL SUBMITTED SHALL INDICATE HOW UNIVERSAL DESIGN FEATURES WILL BE USED TO MAKE INDIVIDUAL DWELLINGS ADAPTABLE TO PERSONS WITH MOBILITY OR FUNCTIONAL LIMITATIONS AND HOW THE DESIGN WILL PROVIDE ACCESSIBLE ROUTES BETWEEN DRIVEWAYS, SIDEWALKS AND DWELLING UNITS.

49. **Utility Uses, Public**

A conditional use may be granted in the RC, RR, R-ED, R-20, R-12, R-SC, R-SA-8, R-A-15, R-MH, R-SI, R-VH, HO, HC, POR, CCT, B-1, B-2, SC, BR, PEC, PGCC, CE, TOD, [[and]] CAC AND TNC Districts for the following public utility uses, subject to certain conditions:

SECTION 133: Off-Street Parking And Loading Facilities

D. Minimum Parking Requirements for Specific Uses

2. Residential Uses

- a. Dwelling, single-family detached, 2.0 spaces per du
single family attached, apartment and
mobile homes
- b. Age-restricted Adult Housing:
 - (1) Single-Family Detached and Single 2.0 spaces per du
-Family attached dwellings
 - (2) Apartments AND MULTI-PLEXES 1.0 spaces per du

Additionally, overflow/guest parking is required in accordance with Table 2.11 of the Design Manual, Volume III.

4. Commercial Uses

- h. Hotels, motels, bed and breakfast inns 1.0 SPACE PER GUEST ROOM. Additional spaces
and country inns provided shall be as required by this section or as
determined by the Director of Planning and Zoning
based on a parking needs study provided with the Site
Development Plan submission (see Section 133.D.8).

